REMARKS

Upon entry of this Reply, claims 1-16 are pending as previously presented.

Initially, Applicants wish to thank the Examiner for granting a telephone interview on August 31, 2006. During the telephone interview, Applicants' representative explained that the applied JOSHI patent does not teach or suggest "an identification data-generating block that generates identification data that identifies the external memory individually" or "a control block that records the identification data in the external memory and said internal memory, . . ." as recited in, for example, claim 1. Applicants also explained that TANAKA *et al.*, whether taken alone, or in any proper combination with KUBO and/or PAWLOSKI *et al.*, fail to teach or suggest the above noted identification data-generating block and control block as recited in, for example claim 1.

At the conclusion of the interview, the Examiner agreed that JOSHI does not anticipate claim 1, and that TANAKA *et al.*, whether taken alone or in any proper combination with KUBO and/or PAWLOSKI *et al.*, does not render obvious the claimed subject matter of, for example, claim 1. The Examiner agreed to enter this Reply upon receipt and withdraw the outstanding rejections. The Examiner indicated that he will need to conduct a further search upon receipt and entry of this Reply.

For completion of record, Applicants respectfully request the Examiner acknowledge consideration of the English Language Abstracts of JP 7-200000, JP 11-339436, and JP 2000-231773, which were cited on the PTO-1449 form

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filed with the Information Disclosure Statement filed October 24, 2001; and the English Language Abstracts of JP App. Nos. JP 7-121199, JP 4-90176, JP 2000-67490, and JP 7-168600, which were cited on the PTO-1449 form filed with the Information Disclosure Statement filed November 3, 2003. A copy of the English Language Abstract for each of the enumerated JP documents was submitted to the U.S. Patent and Trademark Office with the corresponding Information Disclosure Statements.

The above noted outstanding Final Office Action consists of five grounds for rejection of pending claims 1-16. Claim 1 is rejected under Section 102(b) as being clearly anticipated by U.S. Patent No. 4,688,169 to Bhagirath S. Joshi (hereinafter referred to as "JOSHI"). Claims 1, 2, 5, and 8 are rejected under Section 103(a) as being unpatentable over U.S. Patent No. 6,446,177 to Yoshiyuki Tanaka et al. (hereinafter referred to as "TANAKA"). Claims 3, 4, 9, and 10 are rejected under Section 103 as being unpatentable over TANAKA in view of U.S. patent No. 6,631,427 to Ryoji Kubo (hereinafter referred to as "KUBO"). Claims 6, 7, 11, and 14 are rejected under Section 103 as being unpatentable over TANAKA in view of U.S. Patent No. 6,038,199 to John J. Pawlowski et al. (hereinafter referred to as "PAWLOWSKI"). Claims 12, 13, 15, and 16 are rejected under Section 103 as being unpatentable over TANKA, KUBO and PAWLOWSKI. Applicants traverse all of the above rejections for at least the reasons discussed below.

Applicants respectfully submit that JOSHI fails to at least disclose (or even suggest) Applicants' claimed feature of identifying data that identifies an external memory individually, or the feature of a removable external memory, or the control block as recited in the combination of claim 1. JOSHI discloses a security system that controls an operation of an application so as to prevent illegal use of the application. JOSHI compares a machine identification code, stored in a computer system that extracts the application and a program code, which is stored as part of the application in the application. Based upon a review of JOSHI, Applicants submit that the machine identification code disclosed therein comprises a code that is capable of identifying each machine (i.e., computer system) individually. However, Applicants submit that this differs from the identification data of Applicants' claim 1, which functions to identify an external memory individually.

Further, Applicants submit that JOSHI discloses that a program code is used for comparison with a machine identification code. However, although it is not specifically described, in view of the technology to be realized by JOSHI, Applicants submit that the program code is either a plurality of machine identification codes for a plurality of machines capable of executing the applications program, or a master code that determines whether codes are permissible machine identification codes, commonly used for a plurality of machine identification codes. Applicants submit that this differs from Applicants' claimed identification data. Specifically, Applicants submit that each code in

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JOSHI is not a code that differs for each of the external memories. Thus, even if these codes are stored in an external memory, Applicants submit that they are incapable of determining whether or not a different external memory is mounted, and thus, cannot display a message or indicate that the different external memory has been mounted.

Moreover, JOSHI fails to disclose (or even suggest) that an external memory is capable of recording/reproducing recording data. In particular, claim 1 of Applicants' invention specifies that the external memory records data recorded by a digital recording and reproducing apparatus and also records identification data. Applicants submit that JOSHI fails to disclose that the computer system therein records an applications program or a machine identification code to an external memory.

In view of the above, Applicants submit that JOSHI fails to anticipate Applicants' invention, as defined by claim 1. Accordingly, the Examiner is respectfully requested to reconsider and to withdraw the Section 102(b) rejection set forth against claim 1.

Applicants also respectfully traverse the Section 103 rejection of claim 1, 2, 5 and 8 as being obvious over TANAKA. Applicants submit that the use of memory cards that employ an identification code, such as letter strings "A", "B" and "C", as disclosed in embodiments 1, 2 and 3 of TANAKA, are not the same as Applicants' identification data capable of identifying an external memory individually. Therefore, Applicants submit that the teachings of TANAKA do not

result in the recognition that a different external memory has been mounted, even if the letter strings "A", "B" and "C" are stored in the external memory, and further, cannot display a message notifying that a different external memory has been mounted, as taught by Applicants' claimed invention.

Further, Applicants submit that employing a mark, as taught by embodiment 4 of TANAKA to identify normal/abnormal files differs from Applicants' identification data that is capable of identifying mediums individually. Additionally, it is submitted that embodiment 4 of TANAKA also fails to disclose or suggest displaying a message to notify that a different external memory has been mounted, as specified by Applicants' pending claims.

Applicants submit that embodiments 1 and 2 of TANAKA assumes that a memory card is sold with pre-stored data that requires protection. This differs from the digital recording and reproducing apparatus of Applicants' claims, which is directed to an apparatus capable of writing recording data and identification data in an external memory. Moreover, Applicants submit the dedicated terminal of embodiment 3 that records data, requiring protection, to a memory card merely records data to the memory card and is not equipped with a control block (as defined by Applicants' claimed invention) that determines whether or not identification data are identical to each other when a different memory card is mounted.

Applicants further submit that TANAKA also fails to at least teach or suggest that identification data identifies the external memory individually, or that

a control block records identification data to the external memory and determines whether or not identification data are identical to each other. Accordingly, TANAKA is submitted to differ from the invention defined by Applicants' pending claims.

In view of the above, Applicants submit that it would not have been obvious to employ the teachings of TANAKA to arrive at the presently claimed invention, as such a system would lack at least Applicants' claimed features of identification data that identifies an external memory individually, a control block that records identification data to the external memory to determine whether identification data are identical to each other, or displaying a message that notifies that a different external memory has been mounted when the identification data are different from each other. Accordingly, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejection of claims 1, 2, 5 and 8.

Applicants further respectfully traverse the Section 103 rejections of claims 3, 4, 6, 7, and 9-16, submitting that neither KUBO or PAWLOWSKI discloses that which is lacking from TANAKA. Specifically, Applicants submit that neither KUBO or PAWLOWSKI discloses or suggests generating identification data that individually identifies an external memory or carries out an identification data determination process to determine whether the identification data recorded to an external memory and the identification data recorded in an internal memory are identical to each other when the external memory is mounted, and for displaying

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a message that notifies that a different external memory has been mounted when the identification data are different from each other. Accordingly, Applicants submit that even if one attempted to combine the teachings of TANAKA, KUBO, and PAWLOWSKI in the various combinations suggested by the outstanding final Office Action, one would fail to arrive at the presently claimed invention, as such a combination would at least lack the above-discussed features. Accordingly, Applicants respectfully request that the Section 103 rejections set forth against claims 3, 4, 6, 7, and 9-16 also be withdrawn.

In view of the remarks contained herein, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections together with allowance of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

SUMMARY AND CONCLUSION

Applicants note that this Reply is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejections is made by the present Reply. Applicants further note the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present Reply consistent with 37 C.F.R. § 1.116. During a telephonic interview between the Examiner, Mr. Sellers and Applicants' counsel, Safet Metjahic on August 31, 2006, the Examiner indicated that a Reply will be considered and entered upon receipt in the above captioned application. The Examiner also agreed during the August 31, 2006 interview to reconsider the outstanding rejections and withdraw the same.

Accordingly, Applicant respectfully requests entry of the present Reply in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding rejections, and indication of the allowability of the claims pending herein.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Nobuyuki KOBAYASHI et al.

William Pieprz
Reg. No. 33,630

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191